Chapter X

Legislative Personnel

At the first session of the California Legislature in 1850, legislative staff consisted of a parliamentarian, a recorder of minutes, a chaplain, a sergeant at arms, and an occasional supernumerary. This level of legislative support remained relatively unchanged for almost 70 years. It was not until the eve of World War I that legislative legal services were formally established. A legislative fiscal service came into being some 30 years later. Following World War II, the legislature faced the multiple pressures of a spiraling population, a technological explosion, federal decentralization and a concomitant demand for increased state services. Vital areas of concern, such as taxes, education, welfare and transportation, became so complex that responsible representation required the support not only of experts, but of coordinators.

The workload is enormous, and lawmaking is now a full-time occupation in California. The staffs of joint and house committees have evolved into year-round positions, while special committees and commissions rely on permanent professional help throughout their existence.

Adequate staff, selected by the Legislature and supported by legislative contingent funds, is the necessary result if the Legislature is to meet its responsibilities and to act as an independent policy and decisionmaking body for the citizens of this state.

Support Staff/Agencies

In certain areas of endeavor, the Legislature has seen fit to create agencies to serve both houses of the Legislature or agencies to support not only the Legislature but other parts of state government as well (e.g., the Governor's Office). These organizations perform functions which would otherwise require a duplication of work and personnel if each house were to employ its own separate sources of legal, fiscal, auditing, and informational services.

The Legislative Counsel

The office of the Legislative Counsel was created by statute in 1913 and serves as the legal counsel to the Legislature and its Members. However, assisted by a staff of over 80 attorneys, the Legislative Counsel provides both to the Legislature and to others a variety of legal services in connection with legislative activities.

The Legislative Counsel is selected by concurrent resolution at the beginning of each regular session of the Legislature, and serves until a successor has been selected and qualified.² He or she is chosen without reference to party affiliation and solely on the basis of fitness to perform the duties of the office.³ In case of a vacancy while

¹ Statutes of 1913, Chapter 322. Mr. Bion M. Gregory has served as Legislative Counsel since 1976

² Government Code, Section 10201. ³ Government Code, Section 10203.

the Legislature is not in session, a committee consisting of the Speaker and Speaker pro Tempore of the Assembly; President pro Tempore of the Senate and the Chairperson of the Senate Committee on Finance selects a person to serve as the Legislative Counsel until the Legislature reconvenes and makes its selection by concurrent resolution.⁴

The Legislative Counsel must be available for the performance of services at all sessions of the Legislature.⁵ To this end, a permanent office is maintained in the State Capitol at Sacramento, convenient to the Chambers of the Assembly and Senate. The Legislative Counsel also maintained difficulty of the Chambers of the Assembly and Senate.

also maintains additional offices nearby.6

The Legislative Counsel and his or her staff of deputies maintain an attorney-client relationship with the Legislature and its Members and are prohibited from revealing to any person outside the office the contents or nature of a matter handled by the office which has not become public record. Such material may, however, be revealed with the consent of the person bringing the matter before the Legislative Counsel.

The Legislative Counsel is also authorized to maintain an attorneyclient relationship with the Governor in the course of providing him or her legal services concerning, for example, information on bills presented for approval or rejection, or legal opinion as to

constitutionality, operation or effect of a bill.8

Among the principal duties of this office, the Legislative Counsel assists Members of the Legislature in the drafting of legislative measures; assists the Legislature and its committees in amendment or consideration of measures before them; assists state agencies as to the preparation of legislative measures; advises legislative investigating committees; prepares legislative measures for judges; and, if requested by 25 or more electors proposing an initiative measure, the Legislative Counsel assists in the preparation of the measure if, in his or her judgment, there is a reasonable probability that the measure will be submitted to the state's voters.

A large percentage of the bills, resolutions and amendments considered by the Legislature is drafted by the Legislative Counsel and his or her staff of deputies. Regardless of whether a measure has been actually drafted by the Legislative Counsel or not, it may not be introduced unless it is prepared for introduction by this office in proper bill form, accompanied by a digest of the bill showing the changes proposed in the existing law.¹⁵

The Legislative Counsel is required to prepare for periodic publication a cumulative Legislative Index of topics of pending

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4 Government Code, Section 10202.
5 Government Code, Section 10230.
6 Government Code, Section 10206.
7 Government Code, Sections 10207, 10208.
8 Government Code, Sections 10231, 10233.
10 Government Code, Sections 10231, 10233.
11 Government Code, Sections 10231, 10234.
12 Government Code, Sections 10231, 10236.
13 Government Code, Sections 10231, 10236.
14 Government Code, Sections 10231, 10237–10241.
15 Joint Rule 8.5.
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legislation, together with tables cross-referencing code section numbers and pending bills which would affect those sections. 16 Also compiled for publication are the text and summary digests of all chaptered bills in a particular year (e.g., the *Statutes of 1993*).¹⁷

Among other miscellaneous duties, the Legislative Counsel advises the Legislature as to legislation necessary to maintain the accuracy of the codes; 18 with the prior approval of the Joint Rules Committee, he or she participates in litigation involving the Legislature, its committees and members;19 and he or she may contract with any county or city for the codification, compilation or indexing of any or all of its ordinances or resolutions.²⁰

The Legislative Counsel is an ex officio member of the California Law Revision Commission²¹ and the California Commission on Uniform State Laws.²²

The Legislative Analyst

The nonpartisan Legislative Analyst's Office serves as the Legislature's primary source of budgetary and fiscal information. The office is headed by the Legislative Analyst, 23 who is appointed by the Joint Legislative Budget Committee, which also oversees the work of the Legislative Analyst's Office.²⁴

The staff of the Legislative Analyst's Office, 35 professional and 10 support personnel, is organized by program area (for example, education or health and welfare). Each section within the office analyzes budgets and other fiscal and policy issues in its particular area of specialization.

A major function performed by the office is analyzing the Governor's annual proposed budget. As a basis for budget hearings, the analyst's staff prepares two documents, the Analysis of the Budget Bill and Perspectives and Issues. As a result of a longstanding arrangement under which the Governor's budget staff makes available to the analyst's staff, on a confidential basis, preliminary drafts of the proposed budget as it is being developed, the Analysis of the Budget Bill and the Perspectives and Issues are available to the Legislature shortly after the Budget Bill is presented to the Legislature.

As a matter of policy, the recommendations of the Legislative Analyst are presented to the Legislature and its committees without recommendation by the Joint Legislative Budget Committee. In this way, the Legislative Analyst's office presents its own conclusions. The members of the committee are free to accept or oppose these recommendations before other committees and on the floor of their respective houses.

¹⁶ Joint Rule 13.1.

Government Code, Sections 9764, 9765; Joint Rules 13.3, 13.5.

¹⁶ Government Code, Sections 9764, 9765; Joint Rules 13.3, 13.5.
18 Government Code, Section 10246.
20 Government Code, Section 10244.
21 Government Code, Section 10244.
22 Government Code, Section 8281.
23 Elizabeth G. Hill has served as the Legislative Analyst since August 19, 1986. ²⁴ Government Code, Section 9143; see also Joint Rule 37.

When the Budget Bill is heard before the Assembly Ways and Means Committee and the Senate Budget and Fiscal Review Committee, the Legislative Analyst's staff presents its findings and recommendations.

The Legislative Analyst's Office also provides reports on subjects of special interest to the Legislature, responds on a confidential basis to individual requests from legislators on fiscal and policy issues, and prepares analyses of statewide initiatives and propositions.

The California Law Revision Commission

The California Law Revision Commission was created in 1953.25 The commission consists of one Senator and one Member of the Assembly, who constitute a joint investigating committee, and seven members appointed by the Governor with the advice and consent of the Senate. The members appointed by the Governor hold office for a term of four years. The Legislative Counsel is an ex officio member.²⁶ The members appointed by the Governor receive \$50 a day while attending meetings and their actual expenses incurred while in performance of their duties, including travel expenses.²⁷

The commission selects one of its members as chairperson, 28 and is authorized to appoint an executive secretary and such other employees as may be necessary.²⁹ Members of the commission, appointed by the Governor, and all employees of the commission are prohibited from advocating the passage or defeat of any legislation or the approval or veto of any legislation by the Governor in his or her official capacity as a member or employee of the commission.³⁰

The State Library, all other state agencies,31 and the Board of Governors of the State Bar are required to assist the commission in its work.32

The commission is required to examine the common law, the statutes of the state and judicial decisions, and to receive and consider suggestions relative thereto, for the purpose of discovering defects and anachronisms in the law and to recommend needed reforms.33 It is also required to recommend the express repeal of statutes repealed by implication or held unconstitutional.³⁴ At each regular session of the Legislature, the commission is required to report to the Legislature on its studies and submit a list of topics to be studied. Before any topic is studied by the commission it must be approved by concurrent resolution adopted by the Legislature.³⁵ Its reports must be submitted to the Governor, to the Legislature, and to the heads of all state departments.36 The reports, exhibits, and

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<sup>25</sup> Government Code, Section 8280.
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²⁶ Government Code, Section 8281

²⁷ Government Code, Section 8282 28 Government Code, Section 8283

²⁹ Government Code, Sections 8284, 8285.

²⁶ Government Code, Sections 8284.
31 Government Code, Section 8288.
32 Government Code, Section 8286.
33 Government Code, Section 8287.
34 Government Code, Section 8290.
35 Government Code, Section 8290.
36 Government Code, Section 8293.

³⁶ Government Code, Section 8291.

proposed legislative measures must be printed by the Office of State Printing under the supervision of the commission.³⁷

The commission is required to cooperate with legislative committees, and may contract with such committees to render services to them.³⁸ It is also authorized to cooperate with any bar association or other learned, professional or scientific association,³⁹ and may, with the approval of the Director of General Services, contract with colleges, universities, schools of law or other research institutions, or with qualified individuals to perform research for the commission.40

The Commission on Uniform State Laws

The Commission on Uniform State Laws for California was created in 1927,41 and consists of one Member of the Assembly, one Senator, six additional members appointed by the Governor, and the Legislative Counsel, who is an ex officio member. 42

Each appointed member of the commission must be a member of the State Bar in good standing.⁴³ The term of office is for four years, 44 and they receive no compensation for their services as commissioners, 45 other than travel and actual expenses while conducting the commission's business.46

The commissioners must attend the meetings of the National Conference of Commissioners on Uniform State Laws, 47 and they must do all in their power to promote uniformity in state laws upon all subjects where uniformity is deemed desirable and practicable. 48

The commission must bring about, as far as is feasible, passage of the various uniform acts recommended by the national conference, and must devise and recommend such additional legislation as is deemed necessary to accomplish the purposes of the law creating the commission.⁴⁹ It must also report to the Legislature, giving an account of its transactions and its recommendations for legislation.⁵⁰

The legislative members of the commission constitute a joint interim investigating committee on the subject of uniform state laws, and have the same powers and duties as joint investigating committees of the Legislature.51

Bureau of State Audits

51 Government Code, Section 8261.

Examinations and reports of financial statements of state government agencies, and other related assignments including performance audits, are conducted by the Bureau of State Audits.

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37 Government Code, Section 8294.
38 Government Code, Section 8295.
39 Government Code, Section 8296.
40 Government Code, Section 8297.
 41 Statutes of 1927, Chapter 498. See now, Government Code, Section 8260
42 Government Code, Section 8261.
43 Government Code, Section 8262.
 44 Government Code, Section 8263

    Government Code, Section 8263.
    Government Code, Section 8266.
    Government Code, Section 8267.
    Government Code, Section 8270.
    Government Code, Section 8271.
    Government Code, Section 8271.
    Government Code, Section 8271.
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The Bureau operates under the direction of the Milton Marks Commission on California State Government Organization and Economy (known as the Little Hoover Commission), an independent governmental organization designed to promote economy, efficiency and improved service in state government.52

The State Auditor, who is the head of the Bureau of State Audits, is appointed by the Governor from a list of three names submitted by the Joint Legislative Audit Committee, is chosen without reference to party affiliation, and serves a term of four years.⁵³ To assist in the operation of the Bureau, the State Auditor has authority to employ deputy state auditors as well as professional, technical and clerical assistants.54

The purpose of the Bureau of State Audits is to provide periodic audits of state organizations, programs and services. These audits promote sound fiscal and administrative policy for the state government, fulfill the condition for the receipt of billions of dollars in federal grant funds, and provide an independent financial audit report that is relied upon by underwriters, bond-rating companies, and potential investors. 55 To this end, the State Auditor is given legal authority to access and examine any books, accounts, and other records of any agency of the state, as well as city, county, and school or special district, for the purpose of an audit.⁵⁶

The State Auditor is required to annually examine state agency financial statements and to issue an auditor's report which conforms to U.S. Government and American Institute of Certified Public Accountants standards.⁵⁷ The State Auditor shall also conduct audits requested by the Joint Legislative Audit Committee to the extent funding is available.58

Other significant duties of the State Auditor are examination and audit of any contract involving expenditure of public funds in excess of \$10,000,59 and administration of the Improper Governmental Activities Reporting Act (the Whistle Blower Statute).60

Capitol Branch of the State Library

The California Research Bureau (CRB), was established in 1991 to service the research needs of the Legislature and Governor.61 Although the main offices are located in the Library and Courts Building Annex, a satellite office is maintained in the State Capitol for convenience.

The CRB provides nonpartisan, confidential research to Members of the Legislature and to the Governor's Office. The bureau makes available the vast resources of the California State Library through a

⁵² Government Code, Sections 8501 and 8543 et seq. The Bureau of State Audits was formerly the Auditor General's Office, an organization under the direction of the Joint Legislative Audit Committee. Its current configuration is the result of a reorganization contained in Statutes of 1993, Chapter 12, which went into effect May 7, 1993.
53 Government Code, Section 8543.2, 8543.3. The current State Auditor is Kurt R. Sjoberg.

⁵⁴ Government Code, Section 8544.

⁵⁶ Government Code, Section 9521.5.
56 Government Code, Section 8545.2.
57 Government Code, Sections 8546.3, 8546.4.
58 Government Code, Section 8546.1.
59 Government Code, Section 8546.7.
60 Government Code, Sections 8547–8547.11.

⁶¹ Statutes of 1991, Chapter 118.

wide variety of services, including: specialized legislative library services; seminars; general research; and assistance in preparing legislative proposals.

Senate and Assembly Staff

The Senate and Assembly are authorized by the Constitution to elect officers,62 and their Rules Committees are empowered to employ such additional staff for individual members of the Senate and Assembly and their committees as they deem necessary.63

The assignment of employees is determined by the Rules Committee of each respective house of the Legislature. 64 They may work for the house, a committee thereof, or for a member. The Rules Committees set the conditions of employment, and pay these employees from the contingent funds of the respective house.

In the absence of its own sources of support and information, it would be extremely difficult for the Legislature to fulfill its role as an equal and independent branch of government as intended and contemplated by the doctrine of the separation of powers between our executive, legislative and judicial branches of government.

Chief Clerk of the Assembly

The Chief Clerk is one of the three nonmember officers that serve the Assembly (the other two being the Sergeant at Arms and the Chaplain),65 and is elected by a majority vote of the Assembly. The Chief Clerk's primary responsibility is to serve as chief parliamentarian of the Assembly.66

In addition to serving as parliamentarian, the Chief Clerk coordinates the activities of a nonpartisan staff of over 30 individuals. This staff is charged with recording, documenting and assisting the Assembly in processing all legislation at every stage of its development.

The Office of the Chief Clerk publishes three important publications for the reference of legislators and the public alike. These publications are the Assembly Daily File, the agenda for committee hearings and floor sessions; the Assembly Daily Journal, the official record of the proceedings of the Assembly which chronicles all official Assembly activities including floor votes; and the Assembly History, published in a daily and weekly format, which reports all actions taken on every Assembly bill being considered.

Other sections of the Office of the Chief Clerk include the Engrossing and Enrolling unit which verifies the printed accuracy of each bill through each amendment and reprinting, and the Floor Analysis unit which coordinates and compiles analyses written by committee consultants on every bill prior to Assembly floor vote.

 ⁶² Constitution, Article IV, Section 7(a).
 63 Assembly Rules 14, 14(f), 17: Senate Rules 13, 13.6.
 64 Assembly Rules 14, 14(e), 14(f): Senate Rule 13.
 65 Constitution, Article IV, Section 7(a): Government Code, Sections 9171–9173. The present Chief Clerk, E. Dotson Wilson, was alacted tangent 190?

elected January 1992.

66 For duties of the Chief Clerk, see generally, Assembly Rule 32.

At each step in the legislative process, from the introduction and three readings of all bills, through the processing of all amendments and tallying of all Assembly floor votes, to the final enrollment of bills and presentation to the Governor, the members of the Chief Clerk's staff work to ensure the integrity of the most essential functions of the Legislature.

Secretary of the Senate

The Secretary of the Senate is one of the three nonmember officers elected by the membership of the Senate (the other two being the Sergeant at Arms and the Chaplain). The duties of the office of the Secretary of the Senate closely mirror those of the Chief Clerk of the Assembly.

Sergeant at Arms

The Sergeant at Arms in each house, and their assistants, have as their primary duty the maintenance of order and preservation of decorum at the daily sessions of the Legislature.⁶⁷ A Sergeant at Arms is elected by a majority vote of the membership of each house.

The Sergeant at Arms and his or her assistants also provide miscellaneous services for the Members of the Legislature and its committees. During the joint recesses, for example, the Assembly Sergeants at Arms travel with and record the meetings of Assembly committees.

While in the performance of their duties, the sergeants possess police powers and may exercise them at any place throughout the state.⁶⁸ This authority is most often exercised when the house is placed "under call" and the presiding officer orders the sergeants to compel the absent members to return to the chambers to record their vote on the issue before the house.

The Speaker's Staff

The Speaker of the California Assembly, in effect, is responsible to three separate constituencies. First are the people in the Speaker's Assembly District; second, the people of the entire state as a Speaker is a statewide political figure and leader, and, finally, to the membership of the Assembly who have elected him or her to the position of leadership. In addition, the Speaker is the liaison between the Assembly and the major leaders of the state and the federal administration in Washington.

To fulfill these obligations, it is necessary that the Speaker maintain a staff of wide and varied talents and backgrounds. The staff, with clerical support, consists of consultants with expertise in areas of concern to all Californians, e.g., agriculture, labor, education, health care, etc., who are charged with everything from research to aiding Members of the Legislature in their issue areas. They must brief the Speaker and prepare resource material for the many occasions when he or she addresses various groups and citizens

⁶⁷ Assembly Rule 33, Senate Rule 10. 68 Government Code, Section 9194.5

throughout the state. In addition, the Speaker's office has a staff

person who acts as a liaison with the media statewide.

The staff itself will, of course, vary in composition and character, depending upon the nature and predilections of a particular Speaker, but it is ultimately their responsibility to keep the Speaker informed on a day-to-day basis about all the major problems confronting the state

The President pro Tempore's Staff

The President pro Tempore's staff is headed by a Chief of Staff who serves as the liaison between the pro Tempore and Speaker's office, Governor's office, Senate Members, Assembly Members and the administration. This individual directly supervises the pro Tempore's staff and coordinates legislative projects to be completed by professionals in the pro Tempore's office. Among other duties, the chief of staff reviews and approves all speeches and correspondence which requires the pro Tempore's signature, and supervises and coordinates the pro Tempore's schedule.

Offices of Research

The Assembly and Senate have established general research organizations. These offices are supervised by a Director of Research who coordinates the efforts of professional staff, possessing a wide range of research skills and subject matter specialization.

The Assembly Office of Research provides general research assistance to the Members of the Assembly and develops major legislation and studies dealing with public policy issues facing the

Legislature.

The Legislative Reference Service within the Assembly Office of Research answers short-term requests for information and research

from members, other state legislatures and research agencies.

These offices publish selected research projects and background papers prepared by staff, and maintain a record of research being conducted at the request of the houses by public agencies. Each unit works on policy development as requested by each house and its committees.

Majority and Minority Consultants

Each caucus of the State Assembly—Republican and Democratic—receives staff support from either the Minority or

Majority Consultants.

These partisan offices are involved in leadership policy development, legislative research, committee monitoring and staffing, and assist with members' public information programs. They maintain records and information systems, work closely with legislators' district offices, and keep abreast of political party structures and issues.

Committee Consultants

The backbone of the Legislature's committee operation is the committee consultant, who is directly responsible to his or her committee chairperson and the members of the committee. Thorough knowledge of his or her subject matter area is a prime requisite for every consultant. A committee consultant's principal duties consist of making preparations for the committee meetings during the joint recesses and the session, analyzing the bills that are to be heard by his or her committee and providing summaries of their contents for the committee and the public,69 answering committee correspondence, performing legislative research, providing committee members with technical information, and in some instances presenting a bill before a committee if the author is unable to attend. At least one consultant is assigned to each committee to assist with its legislative workload.

In the Assembly, the committee consultants are charged with the responsibility of writing the floor analyses of the bill reported from

their committee to the floor.

Some of the major committees, e.g., Ways and Means, Education, and Revenue and Taxation, are provided with additional consulting staff to assist them with their legislative work. Where the committee utilizes additional consultants, one of them, a chief consultant, is usually appointed to supervise their combined activities.

Computer Support Staff

A highly trained technical staff is maintained by the Legislature to provide state-of-the-art computer services. The work of this staff becomes more critical with each passing year as technological innovations are adapted to the unique requirements of the operations of the legislative branch.

The Legislative Ďata Center was created in 1985, after Assembly Speaker Willie L. Brown, Jr. instructed the Legislative Counsel to link the Capitol and Member's District Offices with an on-line computer network. This new system was designed to augment the computer system which had been installed in Capitol offices in 1982.

The computer network operated by the Legislative Data Center provides legislators and their staff with easy access to virtually any legislative information through the computer terminals installed in each office. Accessible through this system are bill histories, bill text, daily files, committee analyses, and the complete California Codes. These various categories are updated many times each day, providing the user with up-to-the-minute information.

In 1993, legislation was enacted to provide the general public with the same level of accurate and wide-ranging legislative information available through the Capitol computer network.70 The new statute directed the Legislative Counsel to establish a connection to link the database maintained by the Legislative Data Center with Internet, a

⁶⁹ Assembly Rule 56.5. ⁷⁰ Statutes of 1993, Chapter 1235.

nonprofit public network. The connection to Internet, in turn, makes the information available to computer users throughout the state.

To augment the services provided by the Legislative Data Center, the Assembly has created and maintains Assembly Computer Services (ACS). Originally known as the Assembly Office of Information Services, the ACS staff provides software, training and support to all Assembly offices. These services provided by ACS focus on the practical needs of an Assembly Member's office. Word processing, calendars and scheduling, constituent correspondence, electronic messaging, and bill lists for bill tracking are all made available. Through computer connections to offices in the Capitol these features are also available to member's district offices.

Legislative Fellowship Programs

In 1957, the Assembly, the Ford Foundation, and five California institutions of higher learning initiated California's first legislative intern program.⁷¹ Though Congress had previously instituted an intern program, California's program was the pioneering venture on the state government level.

The primary goal of the program is an educational one to provide recent graduates with experience and training in the legislative process and at the same time furnish full-time research and administrative assistance to Members and committees of the Assembly.

While the initial program was jointly funded by the Ford Foundation and the Assembly, the Assembly found the program to be so successful that when the Ford Foundation's funds were depleted the Assembly proceeded to totally finance the program itself under the new title of the Assembly Fellowship Program.

The fellows are selected by an executive committee consisting of Assembly staff and faculty members from several California colleges and universities.

The fellowship program lasts 11 months. During this time, the fellows work either on the personal staff of a Member of the Assembly or on the staff of an Assembly committee where their activities are directed and supervised by the committee chairperson and the committee consultant. A fellow's duties normally run the gamut of legislative activity: drafting correspondence, answering constituent requests, and research.

Over 300 interns and fellows have served in the Assembly since 1957. The program has provided the Assembly with a high quality research reservoir at a very minimal cost to the taxpayer. The value of the fellowship experience is evidenced by the fact that many former participants have been elected as Members of the Legislature or occupied important consultant and administrative positions in the Assembly. In 1986 a third fellowship program, also administered by the Center for California Studies at CSU Sacramento, was created to provide similar opportunities in the executive branch. Other

⁷¹ The five institutions were the University of California at Berkeley; the University of California at Los Angeles; Stanford University; the University of Southern California; and, the Claremont Graduate School.

postfellowship activities have included the judiciary, teaching, law, journalism, service with state agencies, local government, and graduate study.

Beginning in 1973, the Senate funded and initiated a fellowship program similar to the one employed by the Assembly. The academic qualifications for all three of these programs are similar. The possession of a bachelor's degree is a prerequisite for acceptance in each program.

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